

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2917 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
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MOTIBHAI JETHABHAI

Versus

SIMPLEX RUBBER PRODUCT PVT LTD

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Appearance:

None present for Petitioner  
None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/07/97

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in second round in first sitting and lastly, in the third round in second sitting, but none put appearance for the parties. Perused the special civil application.
2. The petitioner challenges by this special civil

application, the award of the Labour Court, Ahmedabad, dated 27th July, 1983 passed in Reference (LCA) No.620/97.

3. The petitioner was in employment of the respondent and he raised an industrial dispute that his services were illegally terminated by the respondent. This dispute has been referred by the State Government to the Labour Court for adjudication. Before the Labour Court, it was the case of the respondent that the petitioner himself left the services. So the case of the respondent before the Labour Court was that the petitioner's services were not terminated but he himself had left the services. The Labour Court on the basis of appreciation of evidence produced by both the parties held that the workman has failed to prove his case that his services were terminated in an illegal manner. It has further been held that on the contrary, the employer has proved that the workman had left the services and gone away on his own accord. After recording this finding, the Labour Court has declined to grant any relief to the petitioner. Hence, this special civil application before this Court.

4. I do not find any illegality in the impugned award. From the evidence of the respondent, it is clear that the petitioner had been given many notices to join the services, but he has not responded to any of the notice. On the basis of this evidence, the Tribunal has not committed any error in holding that the petitioner himself had left the services.

5. In the result, this special civil application fails and the same is dismissed. Rule discharged.